

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY KING,

Petitioner,

Case No. 14-cv-14627

v.

Hon. Matthew F. Leitman

J. A. TERRIS,

Respondent.

ORDER DENYING MOTION FOR RECONSIDERATION (ECF #14)

On December 8, 2014, Petitioner Rodney King (“Petitioner”) filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (the “Petition”). (*See* ECF #1.) In the Petition, Petitioner argued that certain prior convictions were improperly used to enhance his sentence for a federal firearms conviction. (*See id.*)

The Court dismissed the Petition on June 24, 2015 in an Opinion and Order (the “Opinion and Order”). (*See* ECF #12.) The Court held that binding Sixth Circuit precedent prohibited Petitioner from proceeding under § 2241, and it therefore dismissed the Petition without prejudice. (*See id.*)

On July 13, 2015, Petitioner timely filed a Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 59(e) and Local Rule 7.1 (the “Motion

for Reconsideration”). (See ECF #14.) Under Local Rule 7.1, a party moving for reconsideration “must not only demonstrate a palpable defect by which the court ... [has] been misled but also show that correcting the defect will result in a different disposition of the case.” L.R. 7.1(h).

In the Motion for Reconsideration, Petitioner argues that two days after the Court dismissed the Petition, the United States Supreme Court issued its decision in *United States v. Johnson*, --- S.Ct. ---, 2015 WL 2473450 (June 26, 2015). Petitioner argues that *Johnson* now allows him to challenge his enhanced sentence under § 2241, and that the Court should therefore reconsider its earlier decision to dismiss the Petition. (See Mot. for Reconsideration at 1, Pg. ID 235.)

Johnson, however, did not involve a petition under § 2241, did not address any issues related to § 2241, and did not displace the currently-binding Sixth Circuit precedent cited in the Court’s Opinion and Order. That authority forecloses Petitioner’s attempt to proceed under § 2241. Unless and until this precedent changes, the Court has no basis to reconsider its ruling. Petitioner has therefore failed to show a “palpable error” that entitles him to relief.

Accordingly, **IT IS HEREBY ORDERED** that Petitioner's Motion for Reconsideration (ECF #14) is **DENIED**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 16, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 16, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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